

REMARKS

The Examiner is thanked for the examination of the application. In view of the foregoing amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Claim Objections

In response to the claim objections, claim 24 has been cancelled and claim 12 has been amended as suggested by the Examiner. The Examiner is thanked for catching those issues.

Art Rejections

Claims 16, 17, 19, 22, 23, 28, and 29 have been rejected under 35 USC 102(a) and (e) as being allegedly anticipated by U.S. Patent No. 6,613,955, hereinafter Lindsay.

In response to that rejection, claim 16, the only independent claim in the group, has been carefully amended to distinguish over Lindsay. Specifically, claim 16 now defines an absorbent article comprising, among other elements, at least one first storage layer comprising a super absorbent material, the first storage layer is located between the acquisition layer and liquid permeable upper surface and said first storage layer in the crotch portion of the absorbent structure has longitudinally extending apertures extending through an entire thickness of the first storage layer. In contrast to claim 16, Lindsay merely states that the absorbent members "may be aperture, slitted for improved flexibility and body conformability..." See column 23, lines 58 – 60.

The clear purpose of such apertures, etc. in Lindsay is to improve flexibility. See column 12, lines 48 – 54. In contrast, claim 16 recites longitudinally extending apertures extending through an entire thickness of the first storage layer, the purpose of which is to rapidly direct fluid to the acquisition layer. See paragraph [0037] of the published application US 2004/0243078. One seeking to increase flow through the first storage layer would not be motivated to look to Lindsay, which is directed to increasing flexibility and comfort.

Accordingly, amended claim 16 is clearly patentable over Lindsay.

Claims 22 and 23 have been amended to recite a second storage layer, wherein the second storage layer is arranged between the acquisition layer and the liquid impermeable lower surface. Such structure is also not taught or suggested by Lindsay.

Claims 17, 22, 23, 28, and 29 depend from claim 16, and are thus also patentable over Lindsay at least for the reasons set forth above.

Claims 1 – 6, 11, 14, 15, 18, 24, 26, and 27 have been rejected under 35 USC 103(a) as being allegedly obvious over Lindsay. Claims 9, 10, 12, and 13 have been rejected under 35 USC 103(a) as being allegedly obvious over Lindsay in view of secondary references.

However, claim 1 has been amended in a manner similar to claim 16. Accordingly, claim 1 is also patentable over Lindsay.

Claims 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 15, 18, 26, and 27 have been rejected under 35 USC 103(a) depend from claim 1 and are thus also patentable over Lindsay.


Conclusion

For at least the reasons stated above, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and objections, and to allow the present application.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,
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Date: 8 October 2008

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